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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,557	02/20/2001	Cesare Bisleri	05788.0156	3504
22852	7590	03/02/2004		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			EXAMINER THOMPSON, CAMIE S	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/785,557	BISLERI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Camie S Thompson	1774	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed December 9, 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 53-67 and 83-99 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-67 and 83-99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
       a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
           1. ☐ Certified copies of the priority documents have been received.  
           2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
           3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
       a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Applicant's amendment and accompanying remarks filed December 9, 2003 have been acknowledged.
2. The rejection of claims 53-67 and 83-99 under 35 U.S.C. 112, second paragraph, as failing to comply with the enablement requirement is withdrawn due to applicant's argument.
3. The rejection of claims 53-67 and 83-99 under 35 U.S.C. 103 (a) as being unpatentable over Caimi, U.S. Patent Number 6,339,189 in view of Castellani et al., U.S. Patent Number 6,162,548 is withdrawn due to applicant's argument.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 53-67 and 83-99 are rejected under 35 U.S.C. 102(e) as being anticipated by Caimi, U.S. 2002/0088642.

Caimi discloses a low-tension, electrical cable that has fire retardant and moisture resistant properties that include a metal conductor and at least a double layer polymer coating disposed to surround the metal conductor as per instant claims 53 and 83 (see page 1, paragraph 0001 and page 2, paragraph 0014). The Caimi reference also discloses that the inner layer has moisture

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resistant properties and comprises a polymer matrix wherein the polymer may be a polyolefin such as polyethylene (see page 5, paragraph 0058). The outer layer is disclosed by the reference as comprising a base polymer matrix such as the copolymer polypropylene and diene such as 1,3-butadiene wherein an inorganic charge such as magnesium hydroxide is dispersed in the copolymer and the diene mixture to provide desired fire-resistant properties as per instant claims 58-64 and 88-94 (see page 5, paragraph 0058; page 2, paragraph 0016, and page 4, paragraph 0044). Reference claims 25 and 26 disclose that the outer layer has a predetermined amount of coupling agent such as an unsaturated silane as per instant claims 66-67 and 96-97 (also see paragraphs 0042 and 0043). The reference discloses that the thickness of the inner layer is at least 0.4 mm while the outer layer thickness is preferably greater than 0.2 mm as per instant claims 53-55 and 83-85 (see paragraph 0067). Also, it is disclosed by the Caimi reference that magnesium hydroxide is present in the outer layer in an amount of 20% to 90% by weight as per instant claims 65 and 95 (see paragraph 0041). Additionally, the cable is disclosed as being advantageous in cables for power transmission that would be located outside and may be subject to wet weather conditions as per instant claim 98 (see paragraph 0063). The Caimi reference does not use a fire retardant in the inner layer as per instant claims 53 and 83 (see reference claim 3). The method of passing electricity through a cable in claims 83-99 only recites the features of the fire and water resistant, low-voltage electrical cable and so the Caimi reference read on the method claims, 83-99, also.

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***Response to Arguments***

6. Applicant's arguments with respect to claims 53-67 and 83-99 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (571) 272-1526. The fax phone number for the Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CYNTHIA H. KELLY  
SUPERVISORY EXAMINER  
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